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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, et al., individually and  
on behalf of others similarly situated,

Case No. 3:18-cv-01477-AB

Plaintiffs,

**PLAINTIFFS' ITEMIZED LIST OF  
ECONOMIC DAMAGES**

v.

NIKE, INC., an Oregon Corporation,

Defendant.

Pursuant to the Civil Jury Trial Management Order entered by the Court on November 15, 2024 (Dkt. No. 557), Plaintiffs Kelly Cahill, Sara Johnston, Lindsay Elizabeth, and Heather Hender (“Plaintiffs”) submit this Itemized List of Economic Damages<sup>1</sup> to “[s]pecify damages sought and how such damages will be proven”:

**CLAIM ONE<sup>2</sup>**  
**(Disparate Impact Violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”), and the Oregon Equality Act, ORS 659A.030 (“OEA”))**

Damage Category	Disparate Impact in Prior Pay Under Title VII	Disparate Impact in Prior Pay Under OEA	Disparate Impact in Bonuses Under Title VII	Disparate Impact in Bonuses Under OEA
Back Pay	\$7,272.01	\$9,097.99	\$1,574.85	\$2,076.94
Interest on Back Pay	\$2,362.02	\$5,755.97	\$442.45	\$1,231.60
Liquidated Damages	N/A	N/A	N/A	N/A
Total	\$9,634.04	\$14,853.96	\$2,017.30	\$3,308.54

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<sup>1</sup> In addition to the below itemized list of economic damages, Plaintiff Hender also seeks noneconomic garden-variety emotional injury damages associated with her individual claims of retaliation against Defendant NIKE (“NIKE”) pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a) and the Oregon State Law Against Discrimination, ORS 659A.001, *et seq.* Plaintiff Hender alleges that due to NIKE’s retaliatory conduct, she suffered emotional distress and is therefore entitled to garden-variety emotional distress damages, and that because NIKE’s retaliatory conduct that harmed her was in reckless disregard of her rights, oppressive, or malicious, she is further entitled to punitive damages against NIKE. Since the Court’s Civil Jury Trial Management Order only requires an itemized list of economic damages, Plaintiffs do not include in this itemized list Plaintiff Hender’s noneconomic damages associated with her individual retaliation claims, but for clarity, Plaintiff Hender is also seeking noneconomic and punitive damages associated with her individual retaliation claims and Plaintiffs do not intend to suggest otherwise.

<sup>2</sup> Plaintiff Cahill does not seek damages associated with either Disparate Impact claims under Title VII.

**CLAIM TWO**<sup>3</sup>

**(Disparate Treatment Violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, and the Oregon Equality Act, ORS 659A.030)**

Damage Category	Disparate Treatment in Pay Under Title VII	Disparate Treatment in Pay Under OEA	Disparate Treatment in Promotion Under Title VII	Disparate Treatment in Promotion Under OEA
Back Pay	\$92,934.18	\$96,978.84	\$14,798.27	\$23,262.96
Interest on Back Pay	\$27,050.46	\$54,117.10	\$4,863.80	\$14,820.05
Liquidated Damages	N/A	N/A	N/A	N/A
Total	\$119,984.63	\$151,095.94	\$19,662.07	\$38,083.01

**CLAIM THREE**<sup>4</sup>

**(Violations of the Federal Equal Pay Act, 29 U.S.C. §§ 206, *et seq.* (“EPA”))**<sup>5</sup>

Damage Category	Equal Pay Under EPA – Scenario 1	Equal Pay Under EPA – Scenario 2
Back Pay	\$80,491.84	\$51,511.64
Interest on Back Pay	\$29,951.34	\$16,818.17
Liquidated Damages	\$80,491.84	\$51,511.64
Total	\$190,935.01	\$119,841.45

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<sup>3</sup> Plaintiff Cahill does not seek damages associated with either Disparate Treatment claims under Title VII. Plaintiff Elizabeth does not seek damages associated with a Disparate Treatment in Promotion claim under Title VII or under the OEA. Plaintiff Johnston does not seek damages associated with a Disparate Treatment in Pay claim under Title VII or under the OEA.

<sup>4</sup> Plaintiff Johnston does not seek damages associated with an Equal Pay claim under the EPA.

<sup>5</sup> For purposes of Plaintiffs’ itemized list of economic damages under the Federal EPA, “Scenario 1” assumes a liability period of three years pursuant to a finding that NIKE’s violation was willful, and “Scenario 2” assumes a liability period of two years pursuant to a finding that NIKE’s violation was not willful.

**CLAIM FOUR<sup>6</sup>**  
**(Violations of the Oregon Equal Pay Act, ORS 652.220 (“OEPA”))**

Damage Category	Equal Pay Under OEPA
Back Pay	\$33,988.98
Interest on Back Pay	\$18,691.54
Liquidated Damages	\$33,988.98
Total	\$86,669.50

Plaintiffs will prove the above referenced economic damages through the fact witness testimony of some or all of the following individuals, along with the exhibits introduced through the testimony of such individuals and admitted by the Court: the four named Plaintiffs, Melanie Strong, Missy Capone, Shane Walker, Jessica Stuckey, Monique Matheson, Lauren Anderson, Alison Daugherty, Mark Parker, Elliot Hill, Sheena Compton, Shelli White, Genevieve Long, David Ellington, and Jared Brandt.

Plaintiffs will also prove the above referenced economic damages through the expert testimony of Jennifer Murphy and David Neumark, and the exhibits, attachments, and supporting schedules appended to, or cited in, the expert reports of Ms. Murphy or Mr. Neumark (including the corrected expert report of Ms. Murphy). Plaintiffs have already put NIKE on notice of Plaintiffs’ economic damages through, among other things, service on NIKE of Ms. Murphy and Mr. Neumark’s expert reports and associated exhibits, attachments, and supporting schedules. This includes, but is not limited to, a full and separate itemization of economic damages sought by each of the four named Plaintiffs for each of the four aforementioned claims, as applicable (i.e., Plaintiffs separate itemization of economic damages by claim are included in Ms. Murphy’s

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<sup>6</sup> Plaintiff Johnston does not seek damages associated with an Equal Pay claim under the OEPA.

corrected expert report at Schedule 1\_Cahill, Schedule 2\_Elizabeth, Schedule 3\_Hender, and Schedule 4\_Johnston).<sup>7</sup>

DATED: January 27, 2025

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<sup>7</sup> Plaintiffs also seek punitive damages associated with NIKE's malicious or reckless act(s) of discrimination, in an amount to be determined by the jury, and Ms. Murphy will testify regarding NIKE's financial condition and ability to pay punitive damages.